

JAMES W. HUSTON (BAR NO. 115596)
ERIN M. BOSMAN (BAR NO. 204987)
WILLIAM V. O'CONNOR (BAR NO. 216650)
JOANNA E. HERMAN (BAR NO. 227480)
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: 858.720.5100

Attorneys for Defendant
HONEYWELL INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH GETZ, individually and as a surviving
heir of decedent KRISTOFER D. S. THOMAS;
RODNEY THOMAS, individually and as a
surviving heir of decedent, KRISTOFER D. S.
THOMAS; MARY DUFFMAN, individually and
as a surviving heir of decedent, SCOTT E.
DUFFMAN; SOPHIA DUFFMAN, a minor,
individually and as a surviving heir of decedent
SCOTT E. DUFFMAN, by and through her
Guardian ad Litem, MARY DUFFMAN;
CHRISTINE VAUGHN, individually and as a
surviving heir of decedent, TRAVIS R.
VAUGHN; BRAD VAUGHN, individually and as
a surviving heir of decedent, TRAVIS R.
VAUGHN; JILL GARBS, individually and as a
surviving heir of decedent RYAN GARBS;
DOUG GARBS, individually and as a surviving
heir of decedent, RYAN GARBS; JORDAN
LANHAM; JERRY GOLDSMITH; RYANNE
NOSS, individually and as spouse of SCOT
NOSS; TIMOTHY BRAUCH; CHRIS TRISKO,
MARK DANIEL HOUGHTON,

Plaintiffs,

v.

Case No.

**DECLARATION OF PETER B.
BAKER IN SUPPORT OF
HONEYWELL INTERNATIONAL
INC.'S MOTION TO TRANSFER
VENUE**

1 THE BOEING COMPANY, a corporation;
2 HONEYWELL INTERNATIONAL, INC., a
3 corporation; GOODRICH CORPORATION, a
4 corporation; BF GOODRICH AEROSPACE;
CHANDLER EVANS CONTROL SYSTEMS;
GENERAL ELECTRIC and DOES 1 through 200,
inclusive,

5 Defendants.

6
7 Pursuant to 28 U.S.C. § 1746, I Peter B. Baker declare the following:

8 1. I am a Chief Engineer in the Product Integrity Department of Honeywell
9 International, Inc. ("Honeywell"). Statements made in this declaration are based on my personal
10 knowledge, and I could and would so testify if called as a witness in this matter.

11 2. Honeywell is a Delaware corporation with its principal place of business in
12 Morristown, New Jersey.

13 3. Boeing is a Delaware Corporation with its world headquarters in Chicago, Illinois
14 and its MH-47E production facility in Pennsylvania.

15 4. Goodrich Pump and Engine Control Systems, Inc. is a Delaware corporation with
16 its principal place of business in West Hartford, Connecticut and its engine controls
17 manufacturing facility in Connecticut.

18 5. Honeywell manufactures the T55-GA-714A engines in its engine manufacturing
19 facilities in Phoenix, Arizona and Greer, South Carolina.

20 6. The United States Army MH-47E Chinook Helicopter, serial number 92-00472
21 (the "subject helicopter"), was equipped with two T55-GA-714A engines manufactured by
22 Honeywell. The engines recovered from the subject helicopter were manufactured at our Phoenix
23 facility.

24 7. I understand the above-captioned litigation, pending in the United States District
25 Court for the Northern District of California, arises out of the crash of the subject helicopter on
26 February 18, 2007.

1 8. It would be unduly burdensome and inconvenient for Honeywell to be required to
2 defend claims in the Northern District which has no ties to the accident itself or the manufacture
3 or design of the engines and its component parts.

4 9. Arizona is a more convenient forum for Honeywell because Honeywell's
5 relationship with the U.S. Army's Chinook program—the helicopter involved in this case—is
6 centered in Arizona.

7 10. I understand the U.S. Army's investigation into the root cause of the accident is
8 ongoing.

9 11. Honeywell employees located in Phoenix continue to support the U.S. Army's
10 ongoing investigation into the loss of the subject helicopter in Afghanistan.

11 12. Honeywell employees, residing in Arizona, are likely to be called as witnesses in
12 support of Honeywell's defense at trial, including Marlin Kruse, Honeywell focal point person for
13 the accident investigation and a member of the Honeywell Product Integrity Department.

14 13. Therefore, the vast majority of the documents concerning the claims against the
15 Honeywell engines are located in Arizona.

16 14. The specific government contracts for the Honeywell engines from the subject
17 helicopter were not drafted, negotiated or performed in the Northern District of California.

18 15. The government contract for the design and manufacture of the Honeywell T55-
19 GA-714A engines on the subject helicopter was performed by Honeywell in Phoenix, Arizona.

20 16. Pursuant to that contract, acceptance testing of the engines is completed by
21 Honeywell in Phoenix, Arizona.

22 17. Once the engine testing process is complete, U.S. Army acceptance of the engines
23 under the contract signifies its conformance to the precise government specifications.

24 18. With regard to the specific engines from this accident, they bear the serial numbers
25 06PGA00887 and 06PGA00888. The engines were purchased by the U.S. Army directly from
26 Honeywell and shipped by common carrier to Fort Campbell, Kentucky on May 23, 2006.

27 19. Title to the engines transferred to the U.S. Army at Honeywell's shipping dock in
28 Phoenix, Arizona on May 19, 2006.

